

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VICTOR HOUX,

Plaintiff,

v.

GONZALES, *et al.*,

Defendants.

No. 1:24-cv-00132-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITH PREJUDICE, FOR FAILURE
TO STATE A CLAIM, FAILURE TO OBEY
COURT ORDER, AND FAILURE TO
PROSECUTE

(Doc. 10)

Plaintiff Victor Houx is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 25, 2024, the assigned magistrate judge issued a screening order finding that plaintiff failed to state a cognizable claim under 42 U.S.C. § 1983 and granting plaintiff leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. Doc. 6. Plaintiff was warned that failure to comply with that order would result in a recommendation for dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim. *Id.* at 8. On July 15, 2024, the magistrate judge granted plaintiff's motion for an extension of time to file an amended complaint and extended the deadline to August 27, 2024. Docs. 7, 8. Plaintiff did not file an amended complaint and has not otherwise communicated with the Court since July 12, 2024.

1 On September 11, 2024, the magistrate judge issued findings and recommendations
2 recommending dismissal of this action, with prejudice, for failure to state a claim, failure to obey
3 a court order, and failure to prosecute. Doc. 10. Those findings and recommendations were
4 served on plaintiff and contained notice that any objections thereto were due within fourteen days
5 after service. *Id.* at 10. Plaintiff has not filed objections to the findings and recommendations
6 and the time to do so has passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
8 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
9 and recommendations are supported by the record and by proper analysis.

10 Accordingly:

- 11 1. The findings and recommendations issued on September 11, 2024, Doc. 10, are
12 adopted in full;
- 13 2. This action is dismissed, with prejudice, due to plaintiff's failure to state a claim,
14 failure to obey a court order, and failure to prosecute; and
- 15 3. The Clerk of the Court is directed to close this case.

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18 IT IS SO ORDERED.

19 Dated: June 12, 2025

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UNITED STATES DISTRICT JUDGE